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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,694	11/20/2001	Charles Lord	101950.00083	9009

7590

07/03/2002

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EXAMINER
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SCHULTERBRANDT, KOFI A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/03/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/988,694

Applicant(s)

LORD, CHARLES

Examiner

Kofi A. Schulterbrandt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This first Office Action is in response to Applicant's originally filed application in this case.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rotatable member must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. Claims 9 and 10 teach a "rotatable member" that is not shown in the drawings.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. While applicant may be his or her own lexicographer, a term in a claim may not be given a meaning repugnant to the usual meaning of that term. See *In re Hill*, 161 F.2d 367, 73 USPQ 482 (CCPA 1947). The

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term "cantilever" in claims 1 and 12 is used by the claim to mean "supported at two ends" while the accepted meaning is "fixed at one end". It is not clear how the laptop is in a cantilever relationship with the support. Correction or clarification is required.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9 and 10 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not clear how the rotatable member, which is disposed between the laptop and the member, facilitates cooling of the laptop.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Henneberg (4,624,433). Henneberg teaches each feature of the claimed invention as shown in the attached red marked up copy of Henneberg's Fig. 1a. Furthermore,

Henneberg's first and second portions have left and right contact surfaces as shown in the attached red marked up copy of Henneberg's Fig. 1a.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanneberg (4,624,433), in view of Sassman (5,927,669), and Sage (6,123,309). The foregoing references, when taken together, teach each feature of the claimed invention. Hanneberg teaches each feature except two rubber pads coupled to its contact surfaces. Sassman (Fig. 9), however, teaches multiple pads as shown in the attached red marked up copy of Sassman's Fig. 9 and Sage teaches rubber pads (Col. 4, Ins. 30-33). It would have been obvious to one of ordinary skill in the art at the time of invention to have added a number of Sassman's pads to Hanneberg's first and second portions and to make them rubber as taught by Sage to better secure the supported object to the support surfaces.

Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanneberg (4,624,433). It would have been obvious to have constructed Hanneberg of one piece of molded material to make the member stronger by eliminating weak joints

(hinges) and connections. Furthermore, It would have been obvious to have made the member of plastic as an obvious design choice of materials.

Claims 1, 11, 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sassman (5,927,669), in view of Kan-O et al. (5,503,361). The foregoing references, when taken together, teach each feature of the claimed invention. Sassman (Fig. 9) teaches each feature of the claimed invention except portions of different height. Kan-O, however, teach an inclined platform of different height. It would have been obvious to one of ordinary skill in the art at the time of invention to have lengthened Sassman's supports (256) on one side as taught by Kan-O et al. in order to incline Sassman's support surface for ergonomic location of the laptop keyboard.

Claims 12-14, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henneberg (4,624,433), in view of Kan-O et al. (5,503,361). Henneberg's teaches first and second integral portions having left and right contact surfaces as shown in the attached red marked up copy of Henneberg's Fig. 1a. Henneberg does not teach a laptop. Kan-O however teaches a laptop on an incline. It would have been obvious to one of ordinary skill in the art at the time of invention to have substituted Hanneberg's display for Kan-O's laptop to provide an ergonomic inclined keyboard surface for the user. Furthermore, it would have been obvious to one of ordinary skill in the art at the time of invention to have made the first and second portions of plastic as an obvious material design choice. Moreover, it would have been

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obvious to have adjusted Henneberg's support about its hinges to have a five degree angle.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanneberg (4,624,433), in view of Kan-O et al. (5,503,361), Sassman (5,927,669), and Sage (6,123,309). Hanneberg and Kan-O teach each feature as discussed above except two rubber pads coupled to its contact surfaces. Sassman (Fig. 9), however, teaches multiple pads as shown in the attached red marked up copy of Sassman's Fig. 9 and Sage teaches rubber pads (Col. 4, Ins. 30-33). It would have been obvious to one of ordinary skill in the art at the time of invention to have added a number of Sassman's pads to Henneberg's first and second portions and to make them rubber as taught by Sage to better secure the supported object to the support surfaces.

#### ***Allowable Subject Matter***

Claims 7, 8 and 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Prior Pertinent Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. '054 to Hollingsworth; '800 to Markussen; '414.

to Jondrow; '869 to Moss et al.; '498 to Judd; and '179 to Cucinotta. The above references disclose various types of computer supports.

### **Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kofi A. Schulterbrandt whose telephone number is (703) 306-0096. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 308-3519 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Kofi Schulterbrandt  
June 19, 2002



**RAMON O. RAMIREZ**  
**PRIMARY EXAMINER**  
**ART UNIT 3553632**